THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

-

WRIT PETITION Nos.5834 AND 8305 OF 2005

Dt:21.09.2005

Between:

State of Andhra Pradesh

Rep.by its Secretary, Technical Education

Department, Secretariat,

Hyderabad and another … PETITIONERS

AND

Sri T.Krishna Reddy

Office Superintendent

Government Institute of Printing Technology

Secunderabad.

Sri T.Ch.Appa Rao

Hostel Manager

Government Polytechnic for Women

Bheemunipatnam, Visakhapatnam District

… RESPONDENTS

THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

–

WRIT PETITION Nos. 5834 AND 8305 OF 2005

COMMON ORDER: ***(per the Hon'ble Smt. Justice T.Meena Kumari)***

Since the issue involved in these two Writ Petitions is one and the same, they are being disposed of by this common Order.

These Writ Petitions are filed by the petitioner-Department aggrieved by the common Order dated 10.12.2004 in O.A.Nos.6658 and 6661 of 2004 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad.

The petitioners herein are the respondents and the respondents herein are the applicants in the said O.As.

The above mentioned O.As were filed by the respondents-applicants to direct the petitioner-Department to consider their cases for promotion to the post of Administrative Officer/Hostel Superintendent by placing their cases before the Departmental Promotion Committee for the panel year 2004-2005.

It is the case of the respondents-applicants that they were promoted temporarily as Hostel Superintendents during the panel year 2000-2001 but, they could not join within the time stipulated due to their domestic problems. Later, they made number of representations to the petitioner-Department for considering their cases as they should not be deprived of their promotions permanently. Since their representations were not considered, they filed the above said O.As before the Tribunal.

The Tribunal allowed the O.As directing the petitioner-Department to place the cases of the respondents-applicants before the Departmental Promotion Committee for inclusion of their names in the panel year 2004-2005 and to consider their cases for promotion as per their seniority, eligibility and qualifications.

It is the contention of the learned Government Pleader for the petitioners-Department that the O.As were allowed by the Tribunal at the admission stage itself even before filing of the counter and the Department has taken a decision to file review petitions also in these cases but, as it could not file the same within thirty days, it filed these Writ Petitions.

Learned Government Pleader further contended that the Tribunal erroneously directed the petitioner-Department to include the names of the respondents-applicants in the panel year 2004-2005 as per G.O.Ms.No.145 G.A.(Ser.D) Department dated 15.06.2004 without noticing that the said G.O. is only with prospective effect and unless and until the G.O. is given with retrospective effect, respondents-applicants cases cannot be included again in the panel for promotion.

In view of the fact that the O.As were allowed by the Tribunal even before

filing of the counter and without considering the applicability of the G.O. to the cases of the respondents-applicants, we set aside the Order of the Tribunal and remand the matter back to the Tribunal for proper appreciation. Petitioner-Department shall file the counter within a period of four weeks from today and after filing such counter, the Tribunal shall dispose of the O.As within a period two months thereafter.

With the above direction, the Writ Petitions are allowed.

(T.MEENA KUMARI, J)

(P.LAKSHMANA REDDY, J)

Dt: 21.09.2005

bsv/lvl

THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

–

WRIT APPEAL No.1459 OF 2005

JUDGMENT: ***(per the Hon'ble Sri Justice P.Lakshmana Reddy)***